IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.41 OF 2006

Vijayjyot Seats Pvt. Ltd. .. Petitioner.

V/s.

The Union of India & Others .. Respondents.

Mr.Prakash Shah i/b. M/s.PDS Legal for the petitioner.

Mrs.S.V. Bharucha with Mr.K.B. Rao for the respondents.

CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 27TH FEBRUARY, 2006.

P.C. :

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. By this petition, the petitioner is challenging the order dated 8th February, 2005 whereby the CESTAT had directed the petitioner to make a pre-deposit of Rs.25,00,000/- out of the total demand of Rs.1,22,46,357/-. The learned counsel for the petitioner points out that though the petitioner-company is in great financial difficulties, the petitioner themselves have voluntarily deposited Rs.3,87,226/-.

3. Having regard to the aforesaid facts and circumstances of the case and in larger interest of the revenue, we permit the petitioner to make deposit of the balance amount out of Rs.25,00,000/- within a period of four months from today.

4. In the event, the aforesaid deposit is not made within four months from today, the appeal shall automatically stand dismissed. In the event, the aforesaid balance amount is deposited within a period of four months from today, the CESTAT shall hear the appeal strictly on its own merits in accordance with law.

5. The writ petition stands disposed of in above terms with no order as to costs.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)